

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	
	)	
Dorriah L. Page Ph.D. et al.	)	Examiner: Not assigned
	)	
Serial No.: 09/831,207	)	Group Art Unit: Not assigned
	)	
Filed: May 4, 2001	)	
	)	
Title: INTEGRATED APPARATUS	)	
FOR REMOVING POLLUTANTS	)	
FROM A FLUID STREAM IN A	)	
LEAN-BURN ENVIRONMENT WITH	)	
HEAT RECOVERY	)	January 11, 2002
_____	)	

**PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE AN**  
**APPLICATION UNINTENTIONALLY ABANDONED**

Assistant Commissioner  
for Patents  
Washington D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.137(b), Applicants hereby petition to revive the above-identified application, which was abandoned for failure to pay the basic national fee by the due date of May 4, 2001.

Title 37 C.F.R. § 1.137(b) requires that the petition be accompanied by:  
(1) the required reply, unless previously filed; (2) the petition fee as set forth in 1.17(m); (3) a statement that the entire delay in filing the required reply from the due

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date of the reply until the filing of a grantable petition was unintentional; and (4) any terminal disclaimer required pursuant to 37 C.F.R. § 137(c).

In support of this petition, Applicant submits herewith the following:


- (1) A check in the amount of \$1,712.00 to cover the basic national fee;  
and
- (2) A check in the amount of \$1,280.00 for the petition fee as set forth  
in 37 C.F.R. § 1.17(m).

Applicants state that the entire delay in submitting item (1) above, from the due date for submitting the item until the filing of this petition, was unintentional.

Applicants believe that all requirements under 37 C.F.R. § 1.47(a) are met by this petition. Granting of this petition is respectfully requested.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By:   
Oral Caglar  
Registration No. 44,577

333 South Hope Street, 48th Floor  
Los Angeles, California 90071  
(213) 620-1780

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of )  
Dorriah L. Page Ph.D. et al. )  
Serial No.: 09/831,207 )  
Filed: May 4, 2001 )  
Title: INTEGRATED APPARATUS )  
FOR REMOVING POLLUTANTS )  
FROM A FLUID STREAM IN A )  
LEAN-BURN ENVIRONMENT WITH )  
HEAT RECOVERY )  
\_\_\_\_\_ )

Examiner: Not assigned  
Group Art Unit: Not assigned

**RECEIVED**  
**13 MAR 2002**  
Legal Staff  
International Division

January 11, 2002

**PETITION UNDER 37 C.F.R. § 1.47(a) TO FILE AN**  
**APPLICATION WHEN A JOINT INVENTOR REFUSES**  
**TO JOIN IN THE APPLICATION**

Assistant Commissioner  
for Patents  
Washington D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicants hereby petition to file the above-identified application without joining of two of three joint inventors. The two non-joining inventors have refused to sign and return the inventors' declaration in the application.

Title 37 C.F.R. § 1.47(a) requires that an Oath or Declaration that is not signed by a joint inventor be accompanied by a petition including proof of the

pertinent facts, the fee set forth in 37 C.F.R. § 1.17(i), and the last known address of the non-signing inventor.

In support of this petition, Applicants submit herewith the following:

- (1) A signed Declaration of Bradley L. Edgar, Ph.D., the only signing inventor in the application, detailing his efforts to obtain an executed inventors' declaration from Robert J. MacDonald, a nonsigning joint inventor, and Mr. MacDonald's refusal to do so;
- (2) A signed Declaration of Oral Caglar, an attorney of record in the application, detailing his efforts to obtain an executed inventors' declaration from Dorriah L. Page, Ph.D., a nonsigning joint inventor, and Dr. Page's refusal to do so.
- (3) An inventors' declaration signed by Bradley L. Edgar, Ph.D.; and
- (4) A check in the amount of \$ 130 for the petition fee, as set forth in 37 C.F.R. § 1.17(i).

As is stated in the Dr. Edgar's declaration listed in (1), the last known address of Robert J. MacDonald is: 200 Vista Del Mar, Suite 207, Playa Del Rey, California 90923. The last known contact telephone numbers for Mr. MacDonald are (310) 305-7735 and (310) 345-4888. The last known contact address Dorriah Page, Ph.D. is: c/o Irwin Chasalow, Esquire, 1900 Avenue of the Stars, Suite 2300, Los Angeles, California 90067. The last know contact telephone number for Dr. Page is that of Mr. Chasalow: (310) 201-0777. Applicants hereby state that despite their

diligent efforts, Mr. MacDonald and Dr. Page have refused to execute and return the inventors' declarations.

Applicants believe that all requirements under 37 C.F.R. § 1.47(a) have been met by this petition. Granting of this petition is respectfully requested.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: \_\_\_\_\_



Oral Caglar  
Registration No. 44,577

333 South Hope Street, 48th Floor  
Los Angeles, California 90071  
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DECLARATION OF BRADLEY L. EDGAR

I, Bradley L. Edgar, declare as follows:

1. I am a joint inventor in the application for U.S. Patent Serial Number 09/831,207 for INTEGRATED APPARATUS FOR REMOVING POLLUTANTS FROM A FLUID STREAM IN A LEAN-BURN ENVIRONMENT WITH HEAT RECOVERY ("the Application").

2. During May of 2001, I received a Declaration for Patent Application form ("the Declaration") for the Application from the attorneys prosecuting the application. I was instructed to sign the Declaration and to have signed it by Dr. Dorriah Page and Robert MacDonald, the other two joint inventors in the Application.

3. I forwarded the Declaration to Dr. Page, who returned the Declaration to me signed by her.

4. I then contacted Mr. MacDonald in May of 2001 to arrange for him to sign the Declaration. Mr. MacDonald stated that he wished to review the Declaration. I then forwarded to him the Declaration, requesting that he review it, sign it, and return it to me.

5. By June of 2001, I had not heard from Mr. MacDonald. I contacted him again and requested that he sign and return the Declaration. He refused to sign the Declaration and stated that he

1 did not wish to assist in any way in prosecution of any patent  
2 applications assigned to Ceryx, Incorporated("Ceryx"), of which the  
3 Application is one. He did not provide any specific reasons for  
4 his refusal, and he provided no conditions under which he would be  
5 willing to sign the Declaration. Mr. MacDonald then mailed the  
6 Declaration back to me unsigned.

7  
8 6. I have had no further contact with Mr. MacDonald  
9 since that communication.


10  
11 7. I forwarded the Declaration, along with other  
12 documents, to Ceryx for forwarding to the attorneys prosecuting the  
13 Application, Sheppard, Mullin, Richter & Hampton, LLP. I have  
14 since been informed that the attorneys prosecuting the Application  
15 have not been able to locate the Declaration, and therefore I have  
16 signed a second Declaration for Patent Application form for  
17 submission in the Application.

18  
19 8. To the best of my knowledge, Mr. MacDonald's current  
20 mailing address is: 200 Vista Del Mar, Suite 207, Playa Del Rey,  
21 California 90923.

22  
23 9. To the best of my knowledge, Mr. MacDonald's current  
24 telephone numbers are (310) 305-7735 and (310) 345-4888.

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1 I declare under penalty of perjury under the laws of the  
2 United States and the State of California that the matters set  
3 forth above are true and correct and that this Declaration is  
4 executed on October 31, 2001, at San Leandro, California.

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8 Bradley L. Edgar

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3 In re application of )  
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5 Dorriah L. Page, Ph.D. ) Examiner: Not Assigned  
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7 Serial No.: 09/831,207 ) Group Art Unit: Not Assigned  
8 )  
9 Filed: May 4,2001 )  
10 )  
11 Title: INTEGRATED APPARATUS )  
12 FOR REMOVING POLLUTANTS FROM A )  
13 FLUID STREAM IN A LEAN-BURN )  
14 ENVIRONMENT WITH HEAT RECOVERY) January 10, 2002  
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DECLARATION OF ORAL CAGLAR

I, Oral Caglar, declare as follows:

1. I am an attorney of record in the above-identified application ("the Application").

2. During May of 2001, I forwarded to Bradley L. Edgar, Ph.D., a Declaration for Patent Application form ("the Declaration") in the Application, for signature by himself and the other two named inventors, Dr. Dorriah L. Page and Robert J. MacDonald.

3. In October of 2001, I was informed by Dr. Edgar that Dr. Page had signed the Declaration, but that Mr. MacDonald refused to do so. Dr. Edgar informed me that he had returned the Declaration with the two signatures to Ceryx, Incorporated ("Ceryx"), for forwarding to me with other documents.

1           4. I reviewed our files and was unable to locate the  
2 signed document or any indication that it was received by my  
3 office.

4           5. I then prepared and sent to Dr. Edgar a duplicate of  
5 the Declaration for signature and return. I also sent a copy of  
6 the Declaration to Irwin Chasalow, attorney for Dr. Page, for  
7 forwarding to Dr. Page for signature and return.

8           6. I received the signed Declaration from Dr. Edgar  
9 shortly after sending it to him.

10          7. I did not hear from Dr. Page or Mr. Chasalow for  
11 approximately three weeks and contacted Mr. Chasalow regarding the  
12 Declaration. Mr. Chasalow stated that he would follow up with Dr.  
13 Page to have the Declaration signed. I later received a letter  
14 dated December 4, 2001 reiterating Mr. Chasalow's concerns as to  
Dr. Page's obligation to sign the Declaration.

15          8. Since receipt of that letter, I have had further  
16 telephonic and written correspondence with Mr. Chasalow, but he has  
17 as yet been unwilling to forward to me the Declaration signed by  
18 Dr. Page.

19          9. To the best of my knowledge, Dr. Page's current  
20 contact address is that of Mr. Chasalow: 1900 Avenue of the Stars,  
21 Suite 2300, Los Angeles, California 90067.

22          10. To the best of my knowledge, Dr. Page's current  
23 contact telephone number is that of Mr. Chasalow: (310) 201-0777.

1 I declare under penalty of perjury under the laws of the  
2 United States and the State of California that the matters set  
3 forth above are true and correct and that this Declaration is  
4 executed on January 10, 2002 at Los Angeles, California.

5   
6

Oral Caglar

Reg. No. 44,577